

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ALIGN TECHNOLOGY, INC.,

No. C-05-2948 MMC

Plaintiff,
v.

ORTHOCLEAR, INC. and ORTHOCLEAR
HOLDINGS, INC.,

**ORDER STRIKING PORTIONS OF
DECLARATIONS OF RICHARD E.
ELDER; DENYING AS MOOT
PLAINTIFF'S MOTIONS TO SEAL;
DIRECTIONS TO CLERK**

Defendants

On March 9, 2006, plaintiff Align Technology, Inc. ("Align") filed a response to defendant OrthoClear Holdings, Inc.'s ("Holdings") administrative request to withdraw its motion to dismiss for lack of personal jurisdiction. On March 13, 2006, Align filed an administrative motion to extend the fact discovery cut-off. On March 14, 2006, Align filed an administrative motion for permission to take additional depositions. Each of the above-referenced filings was supported with a declaration by Richard E. Elder, and each such declaration is accompanied by a motion to seal two exhibits attached thereto.

In each motion to seal, Align notes that two exhibits attached to the relevant declaration consist of discovery material that includes Holdings's financial account numbers. Align states that although Holdings has not designated such discovery material as confidential, Align filed the motions to seal, "leav[ing] to the Court's discretion the possibility that it should seal those documents" to protect Holdings's privacy rights.

1 General Order No. 53 provides that no party may file "personal data identifiers"
2 without a court order. See General Order No. 53.A. "Personal data identifiers" include
3 "financial account numbers" with the exception of the last four digits of such numbers; in
4 other words, a party may not file in the public record the identifying numbers of another
5 party's financial account, other than the last four digits of such account. See General Order
6 No. 53.A.4. If a party seeks to file a document containing personal data identifiers, such as
7 a complete financial account number, the filing party must file in the public record a
8 redacted version and must file the unredacted version pursuant to the procedure set forth
9 in Civil Local Rule 79-5. See General Order No. 53.B.

10 Here, Align has filed in the public record the complete financial account numbers, in
11 violation of General Order No. 53. Accordingly, the Court hereby STRIKES from the record
12 the six exhibits containing such material, specifically:

- 13 (1) Exhibits D and E to Declaration of Richard E. Elder filed March 9, 2006;
- 14 (2) Exhibits G and H to Declaration of Richard E. Elder filed March 13, 2006; and
- 15 (3) Exhibits G and H to Declaration of Richard E. Elder filed March 13, 2006.

16 Should Align seek to re-file such material, Align is hereby DIRECTED to comply with the
17 procedure set forth in General Order No. 53 and Civil Local Rule 79-5.

18 Align's motions to seal are hereby DENIED as moot.

19 The Clerk of the Court is hereby DIRECTED to remove the above-referenced
20 exhibits from the public record.

21 **IT IS SO ORDERED.**

22
23 Dated: March 16, 2006


MAXINE M. CHESNEY
United States District Judge